

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-737-W/S - ORDER NO. 94-428 ✓
MAY 12, 1994

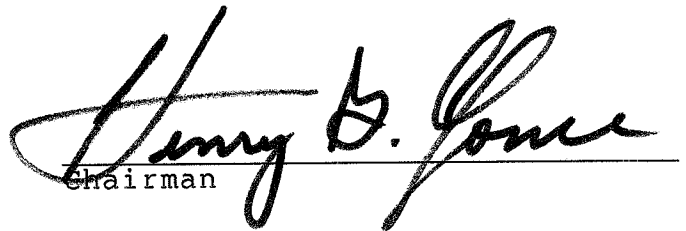
IN RE: Application of Heater of Seabrook, Inc.) ORDER
 for Approval of a New Schedule of Rates) DENYING
 and Charges for Water and Sewer Service.) MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the April 26, 1994, Motion filed by the Town of Seabrook Island (Town). The Motion consists of a Motion to Dismiss or in the alternative Motion to Defer Proceedings in the rate case presently before the Commission filed by Heater of Seabrook, Inc. (Heater). The grounds for the Motion are that Heater's application for a rate increase is designed to try and allow for a higher value to be placed on its water and sewer system in anticipation of the expected sale of the utility to the Town of Seabrook Island. The Town alleges that if Heater's application is granted, it would seriously jeopardize and undermine the Town's ability to purchase the system. The Town goes on to state that, if the Commission were to deny the Town's Motion to Dismiss, the Town would respectfully request that the Commission defer action on Heater's application so as to allow the Town and Heater to attempt to resolve issues relating to the purchase of the system. Heater has filed a response vehemently opposing the Town's Motion. Heater states that, the rate hearing will have no effect on the ability of any party, public or private, to negotiate for the sale and

purchase of the utility. Heater states that, the fact of the parties planning to negotiate for purchase is not sufficient for good cause necessary to either dismiss the matter or to continue it.

The Commission agrees with Heater. The Commission has examined the matter and believes that the Town of Seabrook Island has failed to state good cause for either dismissal of the proceeding or for a deferral of the proceeding to some later time. The Commission would also take administrative notice of S.C. Code Ann. §58-5-240 which requires the Commission to approve or disapprove the requested changes in full or in part within six months after the date that an application is filed. The Commission, therefore, has no power to defer a proceeding without an agreed upon withdrawal by Heater. Because of the above stated reasoning, both the Motion to Dismiss and the alternative Motion to Defer the Proceedings must be denied. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)